

REMARKS

The undersigned thanks the Examiner for the interview of May 11, 2004. During the interview, the Examiner said that “total salt concentration” or “total salinity” in the specification means “total dissolved salt” (TDS). Applicants agree with the Examiner on this point. One dictionary definition of “salinity” is “[t]he total quantity of dissolved salts in sea water” *McGraw-Hill Dictionary of Scientific and Technical Terms*, 1409 (1984).

During the interview, the Examiner said that he interprets “total salt concentration” of claim 1 to read on “TDS = total dissolved solids” of Table 7 of WO ‘256. The TDS ratio for 100% NF product water to 100% sea water in Table 7 is 83.2%, which was within 55 – 90% in the limitation “the second stage intake water having a total salt concentration of about 55 to 90% of that of the feed water.”

Independent claims 1 and 28 have been amended to now recite “the second stage intake water having a total salt concentration of about 55 to 77% of that of the feed water.” Note that the change “90%” to “77%” is supported and enabled by Example 7 in Table 1. WO ‘256 does not disclose “the second stage intake water having a total salt concentration of about 55 to 77% of that of the feed water.”

Claims 1-5, 11, 12, 16, 27 and 28 were rejected under 35 USC 102(a) by WO 01/14256 A1 (WO ‘256). This rejection is respectfully traversed in light of this Amendment.

Claims 6-10 were rejected as being obvious over WO ‘256. Claims 13-15 and 17 were rejected as being obvious over WO ‘256 in view of WO 99/16714 (WO ‘714). Claims 13-15 and 17 were rejected as being obvious over WO ‘256 in view of WO ‘714, further in view of EP 0 709 130 A1 (EP ‘130). These rejections are respectfully traversed.

“To establish a *prima case* of obviousness, [one of the] three basic criteria [that] must be met . . . [is that] the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP 2143 under the heading “ESTABLISHING A *PRIMA FACIE* CASE OF OBVIOUSNESS.” WO ‘256, WO ‘714 and EP ‘130 combined do not teach or

suggest the limitation “the second stage intake water having a total salt concentration of 55 to 77% of that of the feed water” recited in claim 1. Thus, the obviousness rejection must fail.

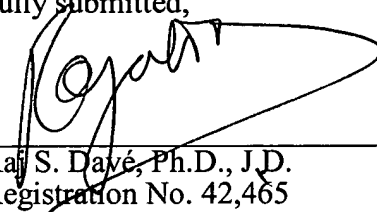
New claim 29 depends from claim 1. It recites the previously deleted limitation of claim 1, namely, “to obtain the permeate water, said permeate water being optionally mixed with an additional portion of the feed water.” Amended claim 1 now reads, “wherein said at least a portion of the feed water is treated with the first stage membrane module unit to produce a second stage intake water, the second stage intake water having a total salt concentration of about 55 to 77% of that of the feed water” This limitation could imply that the first stage membrane module unit *directly* produces the second stage intake water, which is not necessarily correct. Instead, the first stage membrane module unit produces a permeate water, which itself could be the second stage feed water or it could optionally be combined with additional feed water to produce the second stage feed water. Claim 29 reflects the latter option, which is within the scope of claim 1.

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Respectfully submitted,

By: _____


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